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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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10 ERNESTO ESPINOZA, et. al.,

No. C 03-2896 SBA

11 Plaintiffs,

ORDER

12 v.

13 CITY OF DALY CITY, et al.,

14 Defendants.
15 _____/

16 This matter comes before the Court on Defendants' Objections to Plaintiffs' Opposition to Motion
17 for Summary Judgment ("Objection") filed September 7, 2005. On August 2, 2005, Defendants filed a
18 Motion for Summary Judgment ("Motion") and an *Ex Parte* Application to Extend the Dispositive Motion
19 Hearing date. On August 22, 2005 this Court granted Defendants' *Ex Parte* Application and scheduled
20 Defendants' Motion for Summary Judgment for hearing on September 20, 2005, specifically finding "[t]he
21 briefing schedule for the dispositive motions, and all other dates not explicitly referenced herein, shall remain
22 the same." Docket No. 59 at 2. As set forth in this Court's Standing Order and in the Civil Local Rules for
23 the Northern District of California, the opposition to Defendants' Motion was due by August 30, 2005,
24 twenty-one (21) days before the noticed hearing date. However, Plaintiffs filed their opposition to
25 Defendants' Motion a full week late, on September 6, 2005. Plaintiffs neither requested prior leave of this
26 Court to extend the opposition filing deadline, nor was the opposition accompanied by any such request.
27 Consequently, through their Objection, Defendants request this Court strike Plaintiff's opposition as
28 untimely and not in compliance with federal or local rules, or in the alternative, for guidance as to the time

1 for filing a reply brief.

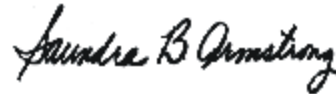
2 Good cause appearing,

3 The Defendant's request is DENIED. The Court accepts Plaintiff's Opposition. Defendants shall
4 file their Reply no later than **September 13, 2005**.

5 Plaintiffs should not mistake the Court's willingness to accept their late and untimely opposition as
6 leave for further noncompliance with the local rules and abuse of this Court's, and the Defendants', time and
7 resources. Plaintiffs' sloppy motion practice will not be tolerated by the Court in the future. It is Plaintiffs'
8 duty to read and strictly adhere to the federal local rules and this Court's Standing Order. If, in the future,
9 Plaintiffs require additional time to respond to a motion, they *must first* request leave of this Court before
10 doing so. Otherwise, Plaintiffs risk the imposition of sanctions, or other such penalty that this Court in its
11 discretion deems applicable.

12 IT IS SO ORDERED.

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15 Dated: 9-7-05



SAUNDRA BROWN ARMSTRONG
United States District Judge